

# Title 257 WAC

## HOME CARE QUALITY AUTHORITY

### Chapters

257-01	Authority organization.
257-02	Public records.
257-05	Safety training requirements.

### Chapter 257-01 WAC AUTHORITY ORGANIZATION

#### WAC

257-01-020	Washington state home care quality authority—Function—Organization—Office.
257-01-040	Board meetings.
257-01-060	Authority activities exempt from Environmental Protection Act.

**WAC 257-01-020 Washington state home care quality authority—Function—Organization—Office.** The Washington state home care quality authority, hereinafter called "the authority," is the authority appointed by the governor pursuant to chapter 3, Laws of 2002 (Initiative Measure No. 775) established to regulate and improve the quality of long-term in-home care services by recruiting, training, and stabilizing the work force of individual providers.

The authority consists of a board of nine members appointed by the governor as follows: Five board members shall be current and/or former consumers of long-term in-home care services provided for functionally disabled persons, at least one of whom shall be a person with a developmental disability; one board member shall be a representative of the developmental disabilities planning council; one board member shall be a representative of the governor's committee on disability issues and employment; one board member shall be a representative of the state council on aging; and one board member shall be a representative of the Washington state association of area agencies on aging. Each board member serves a term of three years.

If a vacancy occurs, the governor will make an appointment to become immediately effective for the unexpired term. Each board member is eligible for reappointment and may serve no more than two consecutive terms. In making appointments, the governor will take into consideration any nominations or recommendations made by the groups or agencies represented.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-01-020, filed 10/6/04, effective 11/6/04.]

**WAC 257-01-040 Board meetings.** Meetings of the authority shall normally be held monthly at the date, time, and place to be set by the board. Additional public meetings necessary to discharge the business of the authority may be called from time to time by the chair or by a quorum of the board.

All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). A simple major-

(2005 Ed.)

ity of the board constitutes a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

Written communications intended for board consideration or action shall be filed with the authority's administrative office.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-01-040, filed 10/6/04, effective 11/6/04.]

**WAC 257-01-060 Authority activities exempt from Environmental Protection Act.** The authority has reviewed its authorized activities and found them all to be exempt from the provisions of Title 197 WAC.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-01-060, filed 10/6/04, effective 11/6/04.]

### Chapter 257-02 WAC PUBLIC RECORDS

#### WAC

257-02-020	Purpose.
257-02-040	Definitions.
257-02-060	Public records officer.
257-02-080	Public records available.
257-02-100	Requests for public records.
257-02-120	Prompt responses required.
257-02-140	Fees.
257-02-160	Statement of reasons for denial of public records request.
257-02-180	Protection of public records.
257-02-200	Exemptions.

**WAC 257-02-020 Purpose.** The purpose of this chapter shall be to ensure compliance by the home care quality authority with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-020, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-040 Definitions.** The following definitions shall apply to this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and

other documents including existing data compilations from which information may be obtained or translated.

(3) "Home care quality authority" means the authority established by chapter 3, Laws of 2002 (Initiative Measure No. 775). The home care quality authority shall be referred to as the "authority." The term authority refers to the authority board and, where appropriate, to the employees of the authority.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-040, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-060 Public records officer.** The authority executive director is the authority's public records officer. The public records officer is responsible for implementing the authority's administrative rules regarding release of public records, coordinating the staff of the authority in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-060, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-080 Public records available.** All public records of the authority as defined in WAC 257-02-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m., Monday through Friday excluding legal holidays.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-080, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-100 Requests for public records.** (1) All requests for inspection or copying made in person at the authority's office shall be made on a form that includes:

- (a) The name and address of the person making the request;
- (b) The organization or group that the person represents;
- (c) The calendar date and time of day of the inspection request;
- (d) A description of the public records requested;
- (e) A statement that the record will not be used for commercial purposes.

(2) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

- (a) The name and address of the person making the request;
- (b) The organization or group that the person represents;
- (c) The time of day and the calendar date on which the person wishes to inspect the public records;
- (d) A description of the public records requested;
- (e) A statement whether access to copying equipment is desired;
- (f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

[Title 257 WAC—p. 2]

(g) A statement that the record will not be used for commercial purposes.

(3) All requests by mail should be received at the authority at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(4) The authority may, in its discretion, fill requests made by telephone.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-100, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-120 Prompt responses required.** The authority shall respond promptly to requests for public records to ensure compliance with the provisions of RCW 42.17.320. Within five business days of receiving a public record request, the authority must respond by either:

- (1) Providing the record;
- (2) Acknowledging that the authority has received the request and providing a reasonable estimate of the time the authority will require to respond to the request; or
- (3) Denying the public record request.

In acknowledging receipt of a public record request that is unclear, the authority may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the authority shall not be required to respond to it.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-120, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-140 Fees.** No fee shall be charged for inspection of public records. The authority will charge a fee of fifteen cents per page for providing copies of public records. This charge is to reimburse the authority for costs incident to such copying. Postal charges will be added when applicable. No copies of records will be provided to the requestor until all such charges have been paid. The executive director or his or her designee is authorized to waive any of the foregoing copying costs for requests that require only a nominal number of copies.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-140, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-160 Statement of reasons for denial of public records request.** When the authority refuses, in whole or in part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record that is withheld.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-160, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-180 Protection of public records.** In order to protect the public records of the authority, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the authority's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated authority employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, and other storage areas with public records is restricted to authority employees, unless other arrangements are made with the executive director or designee.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-180, filed 10/6/04, effective 11/6/04.]

**WAC 257-02-200 Exemptions.** (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 257-02-050 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The justification for the deletion shall be explained fully in writing by the public records officer or designee.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). 04-20-110, § 257-02-200, filed 10/6/04, effective 11/6/04.]

## Chapter 257-05 WAC

### SAFETY TRAINING REQUIREMENTS

#### WAC

257-05-020	What is the purpose of WAC 257-05-020 through 257-05-240?
257-05-040	What definitions apply to WAC 257-05-020 through 257-05-240?
257-05-060	What is safety training?
257-05-080	What content must be included in safety training?
257-05-100	Is competency testing required for safety training?
257-05-120	Is there a challenge test for safety training?
257-05-130	When does a safety training attestation form need to be completed?
257-05-132	What does an individual provider do with the attestation form?
257-05-134	Who maintains the attestation form?
257-05-140	What documentation is required for classroom-based safety training?
257-05-160	Who is required to complete safety training and when must it be completed?
257-05-180	How often must safety training be completed?
257-05-200	Is there an alternative to safety training for some providers?
257-05-220	Does successful completion of safety training meet DSHS continuing education requirements for individual providers?
257-05-240	Will DSHS deny payment of an individual provider who does not complete safety training?

**WAC 257-05-020 What is the purpose of WAC 257-05-020 through 257-05-240?** The intent of WAC 257-05-

(2005 Ed.)

020 through 257-05-240 is to describe the safety training requirements for an individual provider.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-020, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-040 What definitions apply to WAC 257-05-020 through 257-05-240? "Challenge testing"** is evaluating an individual's prior learning experiences to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course. Challenge testing demonstrates adequate knowledge in lieu of actually participating in a required course.

**"Competency testing"** is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

**"Consumer"** means a person to whom an individual provider provides any personal care or respite care services under Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, respite care program, or, respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care to children receiving Medicaid personal care.

**"Individual provider"** means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has contracted with the department of social and health services to provide personal care or respite care services to persons who are functionally disabled under the Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, or respite care program, or to provide respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care to children receiving Medicaid personal care.

**"HCQA"** refers to the home care quality authority.

**"DSHS"** refers to the department of social and health services.

**"AAA"** refers to the local area agency on aging office.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-040, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-060 What is safety training?** Safety training provides basic injury, illness and accident prevention information appropriate to the in-home setting and individuals served. HCQA-developed safety materials must be used for safety training of individual providers. No competency test is required.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-060, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-080 What content must be included in safety training?** Safety training may include the use of video tapes, audio tapes and other print or electronic media. Safety training consists of introductory information in the following areas:

- (1) Overview of HCQA accident prevention program.
- (2) General home care safety.

[Title 257 WAC—p. 3]

(3) Back injury protection in the home care environment.

(4) Slips, trips and fall prevention in the home care environment.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-080, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-100 Is competency testing required for safety training?** There is no competency testing required for Safety training.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-100, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-120 Is there a challenge test for safety training?** There is no challenge test for safety training.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-120, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-130 When does a safety training attestation form need to be completed?** All individual providers must sign an attestation form upon completion of safety training. The attestation form will serve as a confirmation of completion and understanding of the safety training content.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-130, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-132 What does an individual provider do with the attestation form?** After the individual provider signs the attestation form, the individual provider must mail the attestation form to the address identified on the form. The form must be postmarked within one hundred twenty calendar days after an individual provider has begun to work with their first DSHS consumer. Individual providers who are already working for a DSHS consumer have until December 31, 2006, to obtain the training; however, upon completion of safety training, the individual provider must sign the attestation form.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-132, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-134 Who maintains the attestation form?** HCQA will maintain completed safety training attestation forms.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-134, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-140 What documentation is required for classroom-based safety training?** The individual provider must maintain a signed and dated certificate of completion of safety training, issued by HCQA or any of its training contractors that provides the safety training that includes:

(1) The trainee's name;

(2) Title(s) of the specific information taught;

(3) Signature of the person overseeing classroom-based safety training indicating completion of the required information;

(4) The location or method of the safety training; and

(5) The date(s) of the safety training.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-140, filed 12/20/04, effective 1/20/05.]

[Title 257 WAC—p. 4]

**WAC 257-05-160 Who is required to complete safety training and when must it be completed?** (1) Individual providers must complete safety training no later than one hundred twenty calendar days after beginning to work with their first DSHS consumer. Safety training must be provided by appropriate HCQA staff or contracted entities, or by approved trainers who meet DSHS requirements outlined in WAC 388-71-05875.

(2) Individual providers who are already working for a consumer as of December 1, 2004, have two calendar years to complete safety training.

(3) Individual providers who are not required to complete basic core training, such as revised fundamentals of caregiving, identified in WAC 388-71-0500 through 388-71-05952 may complete safety training via distance learning. Alternate methods to complete safety training will be provided that could include innovative learning strategies such as:

(a) CD, video, DVD, or other electronic method.

(b) Internet-based or other computerized method.

(c) Workbook of printed subject matter.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-160, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-180 How often must safety training be completed?** All individual providers must complete safety training. There is no requirement for periodic refresher safety training.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-180, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-200 Is there an alternative to safety training for some providers?** There is no alternative experience or education for safety training sponsored by HCQA. There is no waiver process for previous safety training conducted through DSHS, AAAs, or other public or private entity.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-200, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-220 Does successful completion of safety training meet DSHS continuing education requirements for individual providers?** Safety training sponsored by HCQA meets DSHS' continuing education requirements for individual providers who are eligible to accrue continuing education credit. Individual providers who successfully complete safety training and are eligible to accrue continuing education credit may present their completion certificate to their local AAA office or their DDD or children's administration case manager for continuing education documentation.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-220, filed 12/20/04, effective 1/20/05.]

**WAC 257-05-240 Will DSHS deny payment of an individual provider who does not complete safety training?** HCQA will notify DSHS of an individual provider's noncompliance. DSHS will deny payment of an individual provider who does not return the attestation form and complete safety training within one hundred twenty calendar days after beginning to work with their first DSHS consumer.

DSHS will deny payment of an individual provider who is already caring for a consumer as of December 1, 2004, and who does not complete the safety training by December 31, 2006.

[Statutory Authority: RCW 74.39A.280(3). 05-01-158, § 257-05-240, filed 12/20/04, effective 1/20/05.]